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IN THE SENATE OF THE UNITED STATES.

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MAY 21, 1896.—Ordered to be printed.

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Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 3582.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3582) to remove the charge of desertion now standing against Henry H. Bailey, have considered the same, and find the facts to be as stated in report No. 651, made at this session to the House of Representatives, which is appended to and adopted as part of this report.

Your committee report the bill back with a favorable recommendation

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[House Report No. 651, Fifty-fourth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3582) entitled "A bill to remove the charge of desertion now standing against Henry H. Bailey," beg leave to submit the following report, and recommend that said bill do pass without amendment.

This soldier enlisted September 1, 1861, and served faithfully until December 21, 1862, when he is charged with desertion.

The proof submitted to your committee appears to conclusively show that at the date such soldier was marked as a deserter he was ill and apparently somewhat demented. While in such condition he wandered out from his tent in the night and has never been heard from since. His command was at the time located near Harpers Ferry, and so strong was the belief that in his demented condition he had fallen into the canal that his body was dragged for in the canal by his comrades the next day, but without success.

He left a young wife at home, and other friends, to whom he was warmly attached, and with whom he had until that time constantly corresponded, but none of them have had one word from the soldier to indicate that he was alive. The only reasonable inference to be drawn from such circumstances as are here shown is, that the soldier either fell into the river or wandered away and died.

The absence of a soldier for thirty-three years under such circumstances should be the strongest presumption of death at time of disappearance.

The report of the War Department is hereto attached.

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*Case of Henry H. Bailey, late private Company H, First Massachusetts Heavy Artillery.*

Henry H. Bailey was enrolled July 21, 1862, as a private in Company H, First Massachusetts Heavy Artillery Volunteers; joined his company as a recruit September 1, 1862, and appears to have served faithfully therewith until December 21, 1862,

on which date he is reported as having deserted. Thereafter he did not return to military control, although his company was not mustered out of service until July 31, 1865.

The following is a synopsis of testimony submitted with a view to a removal of the charge of desertion:

Sarah F. Bailey, widow of the soldier, under date of June 15, 1887, testified that her husband had been ailing and unable to perform duty; got up in the night and went out, and was never seen again by anyone who knew him, and that he has never been seen or heard of since by comrades, friends, or relatives.

Milton B. Townsend, a former member of his company, testified, April 15, 1887, that about December 20, 1862, the soldier went out from affiant's tent by night and never returned; that Bailey had been sick, and it was the general belief in his company that he had not deserted, but had wandered away and fallen into the canal at Harpers Ferry, Md. (where the company was then stationed), or in some other way had lost his life; that so strong was this opinion that the canal was dragged for his body; that after the night of his disappearance he was never seen or heard of by comrades or friends; that the belief prevailed in affiant's tent that said Bailey was of unsound mind, and that under a fit of insanity he wandered off and was killed, or in some other way lost his life.

This testimony is corroborated by an affidavit dated April 20, 1887, of Edward P. Abbott, a late member of the same company.

Sarah F. Bailey, widow of the soldier, testified, June 29, 1888, that she had endeavored to ascertain the whereabouts of the officers of her husband's company and regiment, but had been unable to do so.

Alvah M. Abbott, of Lawrence, Massachusetts, testified June 29, 1888, that Henry H. Bailey had never returned to Mrs. Bailey, and that he was last heard from by his friends at home some time in 1862. This testimony was corroborated by affidavits of Joseph Shattuck and Enoch O. Stevens, of Lawrence, Massachusetts.

On July 14, 1891, Mrs. Bailey testified that she corresponded with her husband regularly while in the service, and that he wrote every week at least. That after he was in service a few months he informed her that he was not well, being troubled with nervous debility, could not sleep, and had no appetite; that his letters, sent a short time before his disappearance, seemed to indicate that his mind was giving way and he brooded over his ill-health; that she received a letter from Omar Jenkins, one of his comrades, informing her that her husband's mind was affected by his long sickness and that he was acting strangely, and he feared for his safety; that she sent him a box containing food, delicacies, and clothing, but he would have nothing to do with the box, and the clothing was returned home with money sufficient to pay for food consumed by members of the company; that on December 21, 1862, it was generally believed in the company that he met his death by drowning in the Baltimore and Ohio canal, while suffering an attack of insanity due to ill-health contracted in the service; that the regimental commander ordered the canal to be dragged in search of his body, but it was not found; that she never heard from her husband after his disappearance from the company, and that her husband's family had not heard from him since that time; that she had lived happily with him for three and a half years, having not the slightest difficulty, and that he was kind, industrious, and attentive to business during that time.

On July 1, 1891, George N. Barnard, a former member of the company, testified, corroborating the statements as to the physical and mental condition of Bailey, his disappearance, the dragging of the canal for his body, and stating that he believed that he met his death either by drowning or by the hands of guerrillas.

Edward P. Abbott reiterated his former statements, and added that Bailey had no specific disease, but was irritable, nervous, and weak, and had but little strength. Affiant corroborated the statement as to the receiving of a box from home, which the soldier would not open but handed over to the members of his company, who appropriated the food and sent all the clothing back home, with seven or eight dollars in payment for the food. Affiant further stated that he was on guard on post No. 2 the morning of Bailey's disappearance; that Bailey approached post No. 3, which was along by the sinks in rear of the company quarters, about 5 o'clock, bareheaded, and passed the sentinel, apparently intent on going to the sink; that during the morning of December 21, 1862, he was missed; that affiant heard of his disappearance soon after he was relieved from guard duty; that he was a member of the squad of men detailed to drag the canal and search for him; that the search was fruitless, and that he had since learned that there was hereditary insanity in the family.

August 22, 1891, Joseph Shattuck testified as to his long acquaintance with Bailey's family; that a sister of Bailey's, before her death, suffered from mental derangement, due to religious excitement; that he could testify from personal knowledge and observation that there was no domestic or other trouble or misunderstanding of any kind between the soldier and his wife from the time of their marriage until he went to the war, and for this reason he believed he would have returned to her had he lived.

Lewis G. Holt, late corporal of the same company and regiment, testified August 17, 1891, that Bailey disappeared December 21, 1862, and was reported as a deserter; that Bailey had been out of health and had become partially insane, and had probably taken his own life, which belief was entertained by his officers, and that Bailey had never been heard from.

On September 10, 1891, the Department held that while there seemed to be some doubt that the soldier actually deserted, no positive testimony had been presented to show what finally became of him, and in the absence of such testimony there was no law authorizing the Department to make a record that he died in the service.

Since the date of that decision the status of the case has undergone no change, either by the introduction of new testimony or by legislation.

Respectfully submitted.

F. C. AINSWORTH,

*Colonel, United States Army, Chief Record and Pension Office.*

RECORD AND PENSION OFFICE,

*War Department, January 20, 1896.*

THE SECRETARY OF WAR.

